Remarks

This Application has been carefully reviewed in light of the Final Office Action mailed November 19, 2004. Applicant has amended Claims 8 and 37 to correct minor typographical errors. These amendments are not narrowing or necessary for patentability. Applicant respectfully requests reconsideration and allowance of all pending claims.

Applicant's Claims are Allowable over the Proposed *Miller-Zhang-Rhodes* Combination

The Examiner rejects Claims 1-7, 10-14, 16-23, 26-36, and 39-41 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,899,979 to Miller (*"Miller"*) and U.S. Patent No. 6,016,478 to Zhang (*"Zhang"*) in view of U.S. Patent No. 6,073,110 to Rhodes (*"Rhodes"*). Applicant respectfully disagrees.

Independent Claims 1, 13, 17, and 29-30 are Allowable

Independent Claims 1, 13, 17, and 29-30 recite certain limitations that the proposed *Miller-Zhang-Rhodes* combination does not disclose, teach, or suggest. Independent Claims 1, 13, 17, and 29-30 are allowable for at least this reason.

The Examiner admits that *Miller* and *Zhang* fail to teach certain limitations recited in independent Claim 1, including a scheduling engine operable to:

- "access one or more schedule criteria comprising at least a time period schedule criterion specifying a time period spanning a plurality of schedule time slots;"

- "if the time information comprising the required time period for the received item satisfies the schedule criteria comprising the time period schedule criterion in that the required time period for the received item falls within the time period specified in the time period schedule criterion, attempt to determine a location for the item within a schedule according to the time information;" and

- "if the time information comprising the required time period for the received item does not satisfy the schedule criteria comprising the time period schedule criterion in that the required time period for the received item falls outside the time period specified in the time period schedule criterion, refrain from attempting to determine a location for the item within the schedule according to the time information."

However, the Examiner asserts that these inadequacies in *Miller* and *Zhang* are remedied by the disclosure in *Rhodes* of a computer-based equipment scheduling system utilizing a conflict resolution process. Applicant respectfully disagrees.

The conflict resolution process disclosed in *Rhodes* merely operates to determine whether multiple schedule items have been scheduled at the same time on the schedule. Then, if it is determined that there is a schedule conflict, the process disclosed in *Rhodes* merely determines which schedule item takes priority over the other. Nothing in *Rhodes* discloses, teaches, or suggests a scheduling engine operable to "*attempt to determine a location for the item within a schedule according to the time information*," as recited in independent Claim 1. Rather, the items in *Rhodes* are scheduled by the system user and not by a scheduling engine. (*See* Column 5, Lines 26-28: "The user then 'drags and drops' the activity definition name onto the selected day or days of the month to indicate when the activity is occurring on that day.") Furthermore, the conflict resolution process disclosed in *Rhodes* cannot properly be construed as operable to "*if the time information . . . satisfies the schedule criteria . . ., attempt to determine a location for the item within a schedule according to the time information*," as recited in independent Claim 1. Similarly, the conflict resolution process in *Rhodes* cannot properly be construed as operable to "*if the time information . . . does not satisfy the schedule criteria . . ., refrain from attempting to determine a location for the item within the schedule according to the time information*," as recited in independent Claim 1.

For at least these reasons, Applicant respectfully requests reconsideration and allowance of independent Claims 1, 13, 17, and 29-30 and their dependent claims.

The Dependent Claims are Allowable

At a minimum, Claims 2-7, 10-12, 14, 16, 18-23, 26-28, 31-36, and 39-41 depend on independent claims shown above to be allowable. In addition, the proposed *Miller-Zhang-Rhodes* combination fails to disclose, teach or suggest further limitations recited in the dependent Claims.

For example, dependent Claim 6 recites:

> The system of Claim 1, wherein the item is associated with an activity and wherein the schedule criteria comprises one or more activity categories, the scheduling engine operable to determine an activity category for the item based on the associated activity and determine whether the activity category for the item belongs to at least one of the activity categories of the schedule criteria to satisfy the schedule criteria.

Dependent Claims 22 and 35 recite substantially similar limitations.

Column 3, lines 23-61 of *Miller*, on which the Examiner relies, merely discloses the system user assigning priorities to different items on a to-do list. Using these user assigned priorities, the system disclosed in *Miller* then places the items on the schedule in order of priority. The user-assigned priority disclosed in *Miller* cannot properly be construed as "an activity category," as recited in dependent Claim 6. Although not limiting the claims, by way of reference, Figures 2 and 3 of the Application provide examples of such activity categories, including: inventory, orders, revenue, staffing, specials, reservations, and events. The identified portions of *Miller* do not disclose, teach, or suggest "the scheduling engine operable to *determine an activity category* for the item . . . and *determine whether the activity category for the item belongs to at least one of the activity categories of the schedule criteria* to satisfy the schedule criteria," as recited in dependent Claim 6.

Dependent Claims 6, 22, and 35 are allowable for at least this additional reason.

As another example, dependent Claim 10 recites, "The system of Claim 1, wherein the scheduling engine is further operable to generate an alt tag for the item, the alt tag comprising information concerning the item for display in response to the user selecting an image associated with the item." Dependent Claims 16, 26, and 39 recite substantially similar limitations.

The Examiner asserts that the "'fax' tag or the 'print' tag" shown in figure 4 of *Miller* discloses the alt tag of Claim 10. This is incorrect. As described on page 10, line 29 through page 11, line 3 of the present application, an alt tag, such as an HTML alt tag, displays details regarding a scheduled item when a user selects the item. The fax button and the print button identified by the Examiner are not described as tags that are operable to display such a description of the schedule item. Neither *Miller, Zhang,* nor knowledge generally available to one skilled in the art would suggest that a fax button or a print button would have such a capability.

Dependent Claims 10, 16, 26, and 39 are allowable for at least this additional reason.

For at least these reasons, Applicant respectfully request reconsideration and allowance of dependent Claims 2-7, 10-12, 14, 16, 18-23, 26-28, 31-36, and 39-41.

Dependent Claims 8-9, 15, 24-25, and 37-38 are Allowable Over the Proposed *Miller-Zhang-Mankoff* Combination

The Examiner rejects dependent Claims 8-9, 15, 24-25, and 37-38 under 35 U.S.C. § 103(a) as being unpatentable over *Miller* in view of *Zhang,* and in further view of U.S. Patent No. 6,385,591 to Mankoff ("*Mankoff*"). Applicant respectfully disagrees.

Dependent Claim 8, as amended, recites, "The system of Claim 1, wherein the scheduling engine is further operable to generate a link to an image associated with the item, the rendering engine operable to use the link to retrieve the image for display at the location for the item." Dependent Claims 15, 24, and 37 recite substantially similar limitations.

At a minimum, Claim 8 depends on independent Claim 1, shown above to be allowable. In addition, the proposed *Miller-Zhang-Mankoff* combination fails to disclose, teach, or suggest the further limitations recited in dependent Claim 8. The Examiner acknowledges that *Miller* and *Zhang* fail to teach or suggest "a link to an image associated with an item such that the rendering engine is operable to use the link to retrieve the image for display at the location of the item." (Office Action, Page 10) However, the Examiner asserts that *Mankoff,* which discloses a method and system for electronic organization of coupons, teaches the limitations recited in Claim 8. Applicant respectfully disagrees. Figure 3 and column 3, lines 50-67 of *Mankoff,* on which the Examiner relies, discloses "a hyperlink 54 to [a virtual coupon] provider's website." Generating such a hyperlink does not disclose, teach, or suggest generating "a link to an image associated with the item," as recited in dependent Claim 8.

For at least these reasons, Applicant respectfully request reconsideration and allowance of dependent Claims 8, 15, 24, and 37 and their dependent claims.

Dependent Claims 42-43, 45-46, 48-49, and 51-52 are Allowable Over the Proposed *Conmy-Rhodes* Combination

The Examiner rejects dependent Claims 42-43, 45-46, 48-49, and 51-52 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,101,480 to Conmy et al. ("*Conmy*") in view of *Rhodes*. Applicant respectfully disagrees.

Dependent Claims 42-43, 45-46, 48-49, and 51-52 depend from independent Claims 1, 13, 17, and 29, shown above to be clearly allowable over the proposed *Miller-Zhang-Rhodes* combination. Like *Miller* and *Zhang* discussed above, *Conmy* fails to make up for the deficiencies of *Rhodes* with respect to these independent claims. Thus, dependent Claims 42-43, 45-46, 48-49, and 51-52 are allowable at least based on their dependence on allowable independent claims and further because they recite numerous additional patentable distinctions over the prior art of record. To avoid burdening the record and in view of the clear allowability of independent Claims 1, 13, 17, and 29, Applicant does not specifically discuss these distinctions in this Response. However, Applicant reserves the right to discuss these distinctions in a future Response or on Appeal, if appropriate.

Applicant respectfully requests reconsideration and allowance of dependent Claims 42-43, 45-46, 48-49, and 51-52

Dependent Claims 44, 47, 50, and 53 are Allowable Over the Proposed *Conmy-Rhodes-Edstrom* Combination

The Examiner rejects dependent Claims 44, 47, 50, and 53 under 35 U.S.C. § 103(a) as being unpatentable over *Conmy* and *Rhodes* in view of U.S. Patent No. 5,233,533 to Edstrom et al. ("*Edstrom*"). Applicant respectfully disagrees.

Dependent Claims 44, 47, 50, and 53 depend from dependent Claims 43, 46, 49, and 52, which further depend from independent Claims 1, 13, 17, and 29, shown above to be clearly allowable over the proposed *Miller-Zhang-Rhodes* combination. Like *Miller* and *Zhang*, both *Conmy* and *Edstrom* fail to make up for the deficiencies of *Rhodes* with respect to independent Claims 1, 13, 17, and 29. Thus, dependent Claims 44, 47, 50, and 53 are allowable at least based on their dependence on allowable independent claims and further because they recite numerous additional patentable distinctions over the prior art of record.

To avoid burdening the record and in view of the clear allowability of independent Claims 1, 13, 17, and 29, Applicant does not specifically discuss these distinctions in this Response. However, Applicant reserves the right to discuss these distinctions in a future Response or on Appeal, if appropriate.

Applicant respectfully requests reconsideration and allowance of dependent Claims 44, 47, 50, and 53.

Conclusion

Applicant believes this Application is in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all pending claims.

If the Examiner believes that a telephone conference would advance prosecution of this Application, the Examiner is invited to call Christopher W. Kennerly, attorney for Applicant, at 214.953.6812.

Applicant believes no fee is due. Nonetheless, the Commissioner is hereby authorized to charge any fee and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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